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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/784,654    02/15/01    GONZALEZ

T    01-0214

EXAMINER

WM02/1011

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NGUYEN, T

ART UNIT

PAPER NUMBER

2632

DATE MAILED:

10/11/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/784,654

Applicant(s)

Thomas A. Gonzalez

Examiner

Tai T. Nguyen

Art Unit

2632

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☐ Responsive to communication(s) filed on \_\_\_\_\_

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prakash [ U.S. Pat. 5,841,352 ] in view of Layson, Jr. [ U.S. Pat. 5,731,757 ].

**Regarding to claim 1**, Prakash discloses the child monitor system including all subject matters as following:

a receiver unit in the form of a transceiver assembly (100) [ as shown in Figures 1-2 ];

a transmitter unit in the form of a transceiver assembly (100') [ as shown in Figures 1-2;  
col. 2, lines 11-28 ];

the transmitter unit (100' ) located in other watch (1000') of the user including a battery (102'), a transmitter (110') and a receiver (130') that is activated remotely by an activation radio

signal received by the transmitter unit receiver (130') and locally by depressing a panic button (1500) for allowing a wearer to send out an emergency signal if they so desire;

a receiver unit (100) located in one of the watch (1000) of the user including a transmitter (110) and a receiver (130) that comprises a receiver unit software programmed with the transmitting frequency of the transmitter unit (110') and a receiver unit transmitter (110) for transmitting the activation radio signal;

Prakash fails to disclose the panic button has to be depressed twice in rapid sequence for allowing a wearer to send out an emergency signal. But it would have been obvious to one skill in the art to know that in case of emergency the wearer is nervous and want to send out an emergency signal for help, it should be so convenient by pressing only one time on the panic button, it must be complicated and confused when depressing twice in a rapid sequence that is easy to forget by a young wearer to depress on the panic button in case of emergency. Prakash also fail to disclose that, when activated, the transmitter unit transmitting a signal an overhead satellite network which responds by triangulating on the receiver signal and which then transmits a coordinate signal to the receiver unit to instantly provide an operator of the receiver unit with the location of an individual wearing the transmitter unit. Layson, Jr. discloses the portable tracking apparatus for continuous position determination of criminal offenders and victims which teaches that the transmitter unit of the portable tracking device (12) transmitting a signal an overhead satellite network (14) which responds by triangulating on the received signal and then transmits a coordinate signal to the receiver unit that is instantly provide an operator of the receiver unit with the location of an individual wearing the transmitter unit [ as shown in figure

1; col. 1, line 52 through col. 3, line 28 ]. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the satellite network as taught by Layson, Jr. into the system as disclosed by Prakash in order to make the child monitor system more effective to apply to the present invention because it helps for triangulating to locate of the individual wearing the receiver unit.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mohr [ U.S. Pat. 6,127,931 ]; Gaukel [ U.S. Pat. 6,072,396 ]; Meinhold [ U.S. Pat. 5,936,530 ]; Curran [ U.S. Pat. 5,828,306 ]; Traxler [ U.S. Pat. 5,689,240 ]; Sallen et al. [ U.S. Pat. 5,661,460 ]; and Schlager et al. [ U.S. Pat. 5,650,770 ].

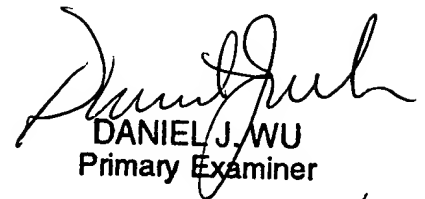
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (703) 308-0160. The examiner can normally be reached on Monday to Friday from 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703)305-4717. The fax phone number for this Group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Examiner: Tai T. Nguyen

Date: September 29, 2001

  
DANIEL J. WU  
Primary Examiner

10/08/01